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5 UNITED STATES DISTRICT COURT

6 EASTERN DISTRICT OF CALIFORNIA

7 SCOTT WOOD, CHARLES W. JUDSON,)
WILLIAM BATES, SYBILLE GROTE,)
8 MARTIN REEVES, ERNEST STEWART,)
STEVE FORSYTHE, ROBERT BADILLA,)
9 BRIAN THOMPSON, KARVIN TILANDER,)
CHARLES ("CHUCK") JENNINGS,)
10 LORENZO RAMIEREZ and MINDY)
GABRIEL on behalf of themselves and all)
11 others similarly situated,)

12 Plaintiff,

13 vs.

14 GRANITE CONSTRUCTION COMPANY)
and FEDERAL INSURANCE COMPANY)
15)

16 Defendants)

Case No.: S-03-2592 DFL PAN

**[PROPOSED] ORDER GRANTING
CLASS CERTIFICATION**

17 SCOTT WOOD, CHARLES W. JUDSON,)
WILLIAM BATES, SYBILLE GROTE,)
18 MARTIN REEVES, ERNEST STEWART,)
STEVE FORSYTHE, ROBERT BADILLA,)
19 BRIAN THOMPSON, KARVIN TILANDER)
and CHUCK JENNINGS, on behalf of)
20 themselves and all others similarly situated,)

21 Plaintiff,

22 vs.

23 VALENTINE SURFACING, TRAVELERS)
CASUALTY AND SURETY COMPANY OF)
24 AMERICA and UNITED PACIFIC)
INSURANCE COMPANY,)
25)

Defendants)

Related Case No.: CIV S-03-02514 DFL PAN

1 The Motion of Scott Wood, et. al. for class certification came on regularly for hearing
2 before this Court before the Honorable David F. Levi, Presiding, and Mark R. Thierman
3 appeared as attorney for Plaintiff and Scott Osborne appeared as attorney for Defendants.

4 After full consideration of the evidence and on the separate statements of each party, and the
5 authorities submitted by counsel, as well as counsel's oral argument, the Court finds that there is
6 sufficient commonality, typicality, and numerosity to support class certification and makes the
7 following findings:

8
9 1. This action is maintainable as a class action under Federal Rules of Civil Procedure Rule
10 23(b)(3) .

11 2. The class is certified to be all truck drivers employed by Harco Trucking Company who
12 were entitled to, but were not paid, the prevailing wage rate for work done on defendant Granite
13 Construction's public works projects in California within four (4) years from the filing of the
14 complaint herein and Nevada within six (6) year of the filing of the Complaint herein.

15 3. The Court may later establish subclasses such as all class members working on California
16 and/or Nevada jobs who drove certain types of equipment, or who performed certain tasks, as
17 well as those class members who worked on California jobs for which a notice of completion
18 was not filed within 180 days of the filing of this lawsuit.

19 4. The individual plaintiffs may act as representatives of the class.

20 5. Mark R. Thierman and the Thierman Law Firm are appointed as counsel for the class.

21
22 IT IS SO ORDERED.

23 Dated this 2nd day of _November, 2005

24 /s/ David F. Levi

25 _____
Honorable David F. Levi

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